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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,518	12/17/2003	Rodney M. Welch	WEL003-092	4312
7590 08/18/2006				
DIEDERIKS & WHITELAW, PLC #301 12471 Dillingham Square Woodbridge, VA 22192			EXAMINER EL ARINI, ZEINAB	
			ART UNIT 1746	PAPER NUMBER

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,518

Applicant(s)

WELCH, RODNEY M.

Examiner

Zeinab E. EL-Arini

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment and remarks filed 6/13/06 have been acknowledged and entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelsey (6,289,908) in combination with Kauffman et al. (3,466,109).

Kelsey discloses a dishwasher comprising side-by-side dishwashing cabinets, each provided with washing arm. The reference discloses the upper and lower dish racks. See the document in general. The controller is inherent in Kelsey dishwasher.

The reference does not teach the width of the dish racks and the door as claimed.

Kaufman et al. disclose a dishwasher comprising a tub, a partition wall, first and second upper dish racks, and lower dish rack. The reference discloses the upper rack sections are of unequal size, and a door assembly, spanning each of the first and second wash zones (see col. 2, line 70- col. 3, line 4. See figs. 1, 4, 5, the abstract, col. 2, lines 7-24, col. 4, lines 1-33, col. 5, lines 46-72, and claim 2.

It would have been obvious for one skilled in the art to use the size taught by Kauffman et al. in the Kelsey dishwasher to improve the efficiency of using the

dishwasher. It would have been obvious for one skilled in the art to use the door taught by Kauffman et al. in the Kelsey dishwasher to obtain the claimed dishwasher.

3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mazza (3,586,011) in combination with Kauffman et al.

Mazza discloses a dishwasher comprising a tub, a partition wall, and a controller. See the abstract, col. 2, lines 1-17, col. 3, lines 67-75, and Figs. 1 and 4.

Mazza does not teach the door as claimed.

Kaufman et al. disclose a dishwasher comprising a tub, a partition wall, first and second upper dish racks, and lower dish rack. The reference discloses the upper rack sections are of unequal size, and a door assembly, spanning each of the first and second wash zones (see col. 2, line 70- col. 3, line 4. See figs. 1, 4, 5, the abstract, col. 2, lines 7-24, col. 4, lines 1-33, col. 5, lines 46-72, and claim 2.

It would have been obvious for one skilled in the art to use the door taught by Kauffman et al. in the Mazza dishwasher to obtain the claimed dishwasher, because using door for the dishwasher is well known in the art. One skilled in the art would use a controller to control the washing operation as claimed, because it is inherent in Mazza and Kauffman et al.

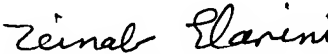
Response to Arguments

4. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeinab E. EL-Arini whose telephone number is (571) 272-1301. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Zeinab E. EL-Arini
Primary Examiner
Art Unit 1746

ZEE
8/8/06